

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

October 12, 2011

**CHAN'S WINE & SPIRITS-DORCHESTER INC. DBA NEPONSET DISCOUNT LIQUORS**  
**755 GALLIVAN BLVD.**  
**BOSTON, MA 02122**  
**LICENSE#: 011600971**  
**HEARD: 05/31/2011**

After a hearing on May 31, 2011, the Commission finds Chan's Wine & Spirits-Dorchester Inc. dba Neponset Discount Liquors in violation of Massachusetts General Laws c. 138, §34 (1 count).

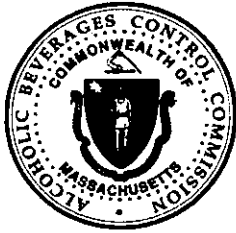
The Commission **suspends the licensee's license for a total of thirty (30) days to be served.** The suspension shall commence on **Wednesday, November 9, 2011 and terminate on Thursday, December 8, 2011.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, November 9, 2011 at 9:00 A.M. It will be returned to the licensee Friday, December 9, 2011.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Administration  
File



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**DECISION**

**CHAN'S WINE & SPIRITS-DORCHESTER INC. DBA NEPONSET DISCOUNT LIQUORS**  
**755 GALLIVAN BLVD**  
**BOSTON, MA 02122**  
**LICENSE#: 011600971**  
**HEARD: 05/31/2011**

Chan's Wine & Spirits-Dorchester Inc. dba Neponset Discount Liquors (the "Licensee") holds an all alcohol license issued pursuant to M.G.L. c. 138, §15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, May 31, 2011, regarding an alleged violation of M.G.L. c.138, §34 (1 count) detailed in Investigator Michael Teehan's report.

The following documents are in evidence:

1. Investigator Michael Teehan's Report.
- A. Receipt from Transaction on April 22, 2011.

There is one (1) tape of this hearing.

**FACTS**

1. On April 8, 2011 Chief Investigator Mahony along with Investigators Capurso and Teehan investigated the business operation of Chan's Wine & Spirits-Dorchester Inc. dba Neponset Discount Liquors in response to a complaint filed with the Investigation and Enforcement Division.
2. While outside the licensed premises, investigators observed a male subject in possession of an alcoholic beverage.
3. The individual was later determined to be eighteen (18) years of age.
4. He was in possession of a bottle of Southern Comfort alcohol.
5. He stated to the investigators that he used an Arkansas driver's license of a twenty one (21) year old to purchase the alcohol.
6. The investigators then informed the clerk of the violation.
7. At the hearing, the clerk spoke on behalf of his uncle who is the owner of the establishment.
8. He stated that he thought the individual looked like the person on the license but did not question an out of state license.
9. The investigator noted that this licensee has had four (4) prior violations, the most recent was in January of 2009, which involved a delivery of alcohol to a minor. Specifically,

the delivery was made to the minor at an apartment by way of a phone call. The minor was never asked for any form of identification and was never asked her age when the call was made.

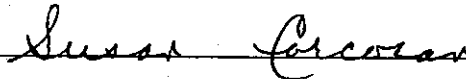
10. When questioned as to what the licensee has done to improve the establishment or educate its employees in selling to underage minors, neither individual could respond or give any information to the Commission.
11. The licensee repeatedly testified that the clerk who had committed the offense in 2009 had been terminated.
12. Administrative review of the file, the licensee has had four (4) prior violations, the last being a serious violation in close proximity to this violation.

#### CONCLUSION

Based on the evidence, the Commission finds the licensee violated M. G. L. c. 138, §34 (1 count). Therefore, the Commission **suspends the license for thirty (30) days. The Commission will not consider or accept an offer in compromise to pay a fine in lieu of suspension.**

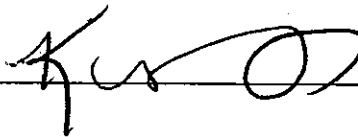
#### **ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Susan Corcoran, Commissioner



I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Kim S. Gainsboro, Chairman



Dated: October 12, 2011

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Michael Teehan, Investigator  
Administration  
File